IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 103 OF 2005.

Shri Joseph Doris Coutinho,
R/o House No. 5/212/A/A-1,
Umta Vado,
Calangute, Bardez, Goa. .... Petitioner.

Versus

1. The Goa Coastal Zone
Management Authority,
through its Member Secretary,
Opp. Saligao Seminary,
P.O. Saligao,
Bardez, Goa.

2. The Village Panchayat of
Calangute, Calangute, Bardez,
Goa. .... Respondents.

Shri A.N.S. Nadkarni with Shri N.A. Takkekar, Advocates for the Petitioner.

Shri M.B. D'Costa, Advocate General with Ms. W.Coutinho, Government Advocate for the Respondent No.1.

CORAM: A. P. LAVANDE &
N.A. BRITTO, JJ.

DATE: 9th MARCH, 2005.

ORAL JUDGMENT: (PER BRITTO, J.)

Rule. Rule returnable forthwith. By consent of both the learned counsel, the petition is heard forthwith.

2. The petitioner assails the Order of respondent No.1, on the ground that notice as contemplated under Rule 4(3a) of the Environment Protection Rules, 1986 was not given to the petitioner.

3. Shri M.B. D'Costa, learned Advocate General appearing on behalf of the Respondent No.1 submits that without prejudice to the contentions raised, respondent No.1 is agreeable to hear the petitioner and pass appropriate orders.

4. In view of the said concession made on behalf of respondent No.1, we deem it appropriate that the petitioner be given an opportunity to file a reply along with all the documents to the show cause notice in support of the same on 27th instant at 10.30 a.m. We further direct respondent No.1 to consider the reply and the documents filed and if necessary hear the petitioner and dispose of the said show cause notice as early as possible.

5. The Order dated 10.12.2004 accordingly is hereby set aside. Rule made absolute on the above terms.

A.P. LAVANDE, J.

N. A. BRITTO, J.

sl.